

Homeland Security Department

3016.203–470

agency contact point shall acknowledge receipt within three calendar days after making the initial review determination and advise the offeror of the general timeframe for completing the evaluation.

(c) If the proposal does not meet the requirements of (FAR) 48 CFR 15.606–1(a), the agency contact point shall return the proposal within three calendar days after making the determination. The offeror shall be informed, in writing, of the reasons for returning the proposal.

3015.606–2 Evaluation.

(a) Comprehensive evaluations should be completed within sixty calendar days after making the initial review determination. If additional time is needed, then the agency contact point shall advise the offeror accordingly and provide a new evaluation completion date. The evaluating office shall neither reproduce nor disseminate the proposal to other offices without the consent of the contracting office from which the proposal was received for evaluation. If the evaluating office requires additional information from the offeror, the evaluator shall convey this request to the responsible contracting office. The evaluator shall not directly contact the proposal originator.

(b) If the evaluators recommend accepting the proposal, the responsible contracting officer shall ensure compliance with all of the requirements of (FAR) 48 CFR 15.607.

PART 3016—TYPES OF CONTRACTS

Subpart 3016.1—Selecting Contract Types

3016.170 Contracts with Lead System Integrators.

Subpart 3016.2—Fixed-Price Contracts

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3016.203 Fixed-price contracts with economic price adjustment.

3016.203–4 Contract clauses.

3016.203–470 Solicitation provision.

Subpart 3016.4—Incentive Contracts

3016.406 Contract clauses.

Subpart 3016.5—Indefinite-Delivery Contracts

3016.505 Ordering.

Subpart 3016.6—Time-and-Materials, Labor-Hour, and Letter Contracts

3016.603 Letter contracts.

3016.603–4 Contract clauses.

AUTHORITY: 5 U.S.C. 301–302, 41 U.S.C. 418b(a) and (b), 41 U.S.C. 414, 48 CFR part 1, subpart 1.3, and DHS Delegation Number 0700.

SOURCE: 68 FR 67871, Dec. 4, 2003, unless otherwise note.

Subpart 3016.1—Selecting Contract Types

SOURCE: 75 FR 41100, July 15, 2010, unless otherwise noted.

3016.170 Contracts with Lead System Integrators.

The contracting officer should negotiate the most appropriate contract type and fee structure based on risks inherent in the work to be performed, in accordance with (FAR) 48 CFR 16.103(a). Contract type and fee structure should be commensurate with the work to be performed and the risks assumed. Worthwhile existing guidance on contract type selection, pricing, and fee structures, such as exists in Vol. I, Ch. 4 of the Contract Reference Pricing Guides [http://www.acq.osd.mil/dpap/cps/docs/contract_pricing_finance_guide/vol4_ch1.pdf] can be consulted to determine the appropriate contract type and fee structure for use in varied contracts with lead system integrators in the production, fielding and sustainment of complex systems.

Subpart 3016.2—Fixed-Price Contracts

3016.203 Fixed price contracts with economic price adjustments.

3016.203–4 Contract clauses.

(d)(2) Any clause using this method shall be prepared and approved by the contracting officer.

3016.203–470 Solicitation provision.

The contracting officer shall insert a provision substantially the same as

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(HSAR) 48 CFR 3052.216-70, Evaluation of Offers Subject to an Economic Price Adjustment Clause, in solicitations containing an economic price adjustment clause.

Subpart 3016.4—Incentive Contracts

3016.406 Contract clauses.

(e)(1)(i) The contracting officer shall insert a clause substantially the same as (HSAR) 48 CFR 3052.216-71, Determination of Award Fee, in solicitations and contracts that include an award fee.

(ii) The contracting officer shall insert a clause substantially the same as (HSAR) 48 CFR 3052.216-72, Performance Evaluation Plan, in all solicitations and contracts that include an award fee.

(iii) The contracting officer shall insert a clause substantially the same as (HSAR) 48 CFR 3052.216-73, Distribution of Award Fee, in all solicitations and contracts that include an award fee.

[68 FR 67871, Dec. 4, 2003, as amended at 71 FR 25770, May 2, 2006]

Subpart 3016.5—Indefinite-Delivery Contracts

3016.505 Ordering.

(b)(5) The Component Competition Advocate is designated as the Component Task and Delivery Order Ombudsman, unless otherwise provided in Component procedures.

(i) If any corrective action is needed after reviewing complaints from contractors on task and delivery order contracts, the Component Ombudsman shall provide a written determination of such action to the contracting officer.

(ii) Issues that cannot be resolved within the Component shall be forwarded to the DHS Task and Delivery Order Ombudsman, who is also the DHS Senior Competition Advocate, for review and resolution.

[68 FR 67871, Dec. 4, 2003, as amended at 71 FR 25770, May 2, 2006; 71 FR 48801, Aug. 22, 2006]

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Subpart 3016.6—Time-and-Materials, Labor-Hour, and Letter Contracts

3016.603 Letter contracts.

3016.603-4 Contract clauses.

The contracting officer shall insert a clause substantially the same as (HSAR) 48 CFR 3052.216-74, Settlement of Letter Contract, in all definitized letter contracts.

PART 3017—SPECIAL CONTRACTING METHODS

Subpart 3017.2—Options

Sec.

3017.202 Use of options.

3017.204 Contracts.

3017.204-90 Detention Facilities and Services (ICE).

Subpart 3017.4—Leader Company Contracting

3017.402 Limitations.

Subpart 3017.90—Fixed Price Contracts for Vessel Repair, Alteration or Conversion

3017.9000 Clauses (USCG).

AUTHORITY: 41 U.S.C. 418b (a) and (b).

SOURCE: 68 FR 67871, Dec. 4, 2003, unless otherwise note.

Subpart 3017.2—Options

3017.202 Use of options.

(a) Contracting officers shall not use unpriced options.

3017.204 Contracts.

3017.204-90 Detention Facilities and Services (ICE).

The ICE Head of the Contracting Activity (HCA), without delegation, may enter into contracts of up to fifteen years' duration for detention or incarceration space or facilities, including related services.

[71 FR 25770, May 2, 2006]